

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CONTRACTORS BONDING AND  
INSURANCE COMPANY,

Plaintiff,

v.

YUE H. LEI, dba K&D  
CONSTRUCTION, et al.

Defendant.

Case No. C 08-01973 JL

STIPULATION AND ORDER FOR  
EXTENSION OF DEADLINES FOR ORDER  
SETTING INITIAL CASE MANAGEMENT  
CONFERENCE AND DEADLINES

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES TO THIS ACTION,  
through their Attorneys of Record herein:

Contractors Bonding and Insurance Company ("CBIC"), Yue H. Lei dba K&D  
Construction ("K&D"), Susan Marsh ("Marsh") and Richard Jacquot ("Jacquot") have  
agreed to continue the deadlines set forth in the Order Setting Initial Case Management  
Conference and ADR Deadlines to allow the parties to this action to participate in an early  
mediation of the underlying action, *Marsh, et al. v. Kin Wong, et al.*, Action No. CGC

05444356, San Francisco Superior Court, (the "underlying matter") towards resolution of it and the present action. The parties have agreed and hereby stipulate to the following:

1. All parties hereby consent to proceed before Magistrate Judge Larson and will each file a Consent to Proceed Before A United States Magistrate Judge.
2. CBIC grants to Yue H. Lei dba K&D Construction an open extension of time to respond to the Complaint for Declaratory Relief herein. Said open extension shall expire 10 days after the date set for mediation of the underlying matter.
3. CBIC grants to Susan Marsh and Richard Jacquot an open extension of time to respond to the Complaint for Declaratory Relief herein. Said open extension shall expire 10 days after the date set for mediation of the underlying matter.
4. The parties agree to participate in mediation of the underlying matter on or before September 1, 2008 before a mediator selected by the parties. The parties agree that mediation of the underlying matter may facilitate resolution of the present action and/or assist in the narrowing of issues in dispute herein.

Accordingly, the parties stipulate and request that the dates which are set forth in the April 15, 2008 Order Setting Initial Case Management Conference and ADR Deadlines, and as outlined herein, be continued to the convenience of the Court and to allow the parties to mediate this matter, as follows:

Scheduled Event	Scheduled Date	Proposed Continued Date
Last day to <ul style="list-style-type: none"> <li>• meet and confer re initial disclosures, early settlement, ADR process selection and discovery plan</li> </ul> file Joint ADR Certification with Stipulation to ADR process or Notice of Need for ADR Phone Conf.	7/2/08	Three Weeks Prior to Continued CMC Date

1 2 3 4 5	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 269F) Report and file CMC Statement per Standing Order re Contents of Joint Case Management Statement	7/16/08	One Week Prior to Continued CMC Date
6 7	Initial Case Management Conference (CMC)	7/23/08 10/15/08	<del>Mid October 2008</del>

8 A true and correct copy of the April 15, 2008 Order Setting Initial Case Management  
9 Conference and ADR Deadlines is attached to this Stipulation.

10 IT IS SO STIPULATED.

11  
12 Dated: July 2, 2008

13 ROGER, SCOTT & HELMER LLP

14 By: 

15 Norman J. Roger

16 Patricia M. Fama

17 Attorney for Plaintiff

18 CONTRACTORS BONDING AND  
19 INSURANCE COMPANY

20 IT IS SO STIPULATED.

21 Dated: July 2, 2008

22 SELVIN, WRAITH & HALMAN LLP

23 By: 

24 Gary Selvin, Esq.

25 Attorneys for Defendant

26 YUE M. LEI DBA K&D CONSTRUCTION

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1 IT IS SO STIPULATED.

2 Dated: July 21, 2008

WINCHELL & TRUETT

By: 

Harold J. Truett, III, Esq.

Attorneys for Defendant

SUSAN MARSH and RICHARD JACQUOT

7 IT IS SO ORDERED.

The Case Management Conference has been rescheduled to  
October 15, 2008 at 10:30 a.m.

9 Dated: July 8, 2008



Magistrate Judge of the United States District  
Court

18 #133250

United States District Court (Northern) CASE NO: C 08-01973 JL  
*Contractors Bonding and Insurance Co. v. Yue H. Lei, dba K&D Constrc., et al.*

**PROOF OF SERVICE**

I declare that I am, and was at the time of the service hereinafter mentioned, a citizen of the United States of America, employed in the County of San Mateo, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1001 Marshall Street, Suite 400, Redwood City, California 94063. On **July 7, 2008**, I caused to be served the following:

**STIPULATION AND ORDER FOR EXTENSION OF DEADLINES FOR ORDER  
SETTING INITIAL CASE MANAGEMENT CONFERENCE AND DEADLINES**

on the parties involved addressed as follows:

**SEE ATTACHED SERVICE LIST**

**X BY ELECTRONIC CASE FILE (CM/ECF) SYSTEM with the United States District Court, Eastern District of California Case Management/Electronic Case Filing System.**

\_\_\_\_ BY PERSONAL DELIVERY: I caused each such envelope to be delivered by hand to the offices of each addressee above. (CCP Section 1010)

\_\_\_\_ BY CERTIFIED MAIL-RETURN RECEIPT REQUESTED: I caused each such envelope above, with postage thereon fully prepaid, to be placed in the United States mail at Redwood City, California. (CCP Section 1013(a)(1))

**X BY MAIL:** I caused each such envelope above, with postage thereon fully prepaid, to be placed in the United States mail at Redwood City, California. (CCP Section 1013(a)(1))

\_\_\_\_ VIA FACSIMILE TRANSMISSION (CCP Section 1013)

\_\_\_\_ VIA OVERNIGHT MAIL -FEDEX (CCP Section 1013(c))

I am readily familiar with the business practice for collection and processing of mail in this office. That in the ordinary course of business said document would be deposited with the U. S. Postal Service in Redwood City on that same day. I understand that service shall be presumed invalid upon motion of a party served if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on the affidavit.

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **July 7, 2008**, at Redwood City, California.

  
\_\_\_\_\_  
Luz Marie Ramirez

*Contractors Bonding and Insurance Company v. Yue H. Lei, dba K&D Constrc., et al.*  
United States District Court (Northern) Case No. C 08-1973 JL

**SERVICE LIST**

Gary R. Selvin, Esq. Selvin, Wraith Halman LLP 505 Fourteenth Street, Suite 1200 Oakland, CA 94612 Tel: (510) 874-1811 Fax: (510) 465-8976	Harold J. Truett, III, Esq. Winchell & Truett 207 Powell Street, 6 <sup>th</sup> Floor San Francisco, CA 94102 Tel: (415) 989-9001 Fax: (415) 693-9599
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